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| APPLICATION NO.           | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------------|-------------|----------------------|---------------------|------------------|
| 10/822,159                | 04/12/2004  | John Hevesi          | 22306.0101PTUS      | 2644             |
| 41434                     | 7590        | 06/29/2006           | EXAMINER            |                  |
| PATTON BOGGS LLP          |             |                      | SWINEHART, EDWIN L  |                  |
| 2550 M STREET NW          |             |                      | ART UNIT            |                  |
| WASHINGTON, DC 20037-1350 |             |                      | PAPER NUMBER        |                  |

3617

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/822,159

Applicant(s)

HEVESI ET AL.

Examiner

Ed Swinehart

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The invention as now claimed finds no support in the disclosure as originally filed. Specifically, there is no basis for claiming a round cross-section for the shaft. By claiming a shaft diameter, the claim is setting forth a circular shaft.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweetland.

Sweetland shows the field of the invention, including a reduced diameter cylindrical portion **62**, which longitudinally locks a grip therein. Sweetland teaches provision of holes **30** within the handle of the figure 3 embodiment for cooperating with formed "ridges" to secure the handle.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide holes and ridges to the figure 7 embodiment of Sweetland as taught by the figure 3 embodiment.

Such a modification would have been desirable so as to provide a secure attachment of the handle.

Alternatively, it would have been obvious to construct the handle **20** of the figure 3 embodiment from a circular shaped shaft.

5. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweetland in view of Bruce.

Sweetland fails to disclose bends.

Bruce teaches a bent shaft.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide bent shaft portions to Sweetland as taught by Bruce.

Such a combination would have been desirable at the time the invention was made so as to provide a more ergonomic shape.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sweetland in view of Gunnell.

Sweetland fails to disclose a molded composite material.

Gunnell teaches composite construction.

It would have been obvious to one of ordinary skill in the art at the time of the invention to construct the oar of Sweetland from composite as taught by Gunnell.

Such a combination would have been desirable at the time the invention was made so as to provide a light yet strong shaft.

Re "molded", such is method of making, carrying no weight in these apparatus claims.

7. Claims 1-6,9,10 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbenhouse et al. in view of Sweetland.

Abbenhouse et al. discloses an inner "skeleton" **38,43** covered top and bottom by a composite skin, and attached to shaft as claimed. Abbenhouse et al. fails to show a grip as is old and well known in the art.

Sweetland is discussed above.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Abbenhouse et al. a grip as taught by Sweetland.

Such a combination would have been desirable at the time of the invention so as to provide a sure grip for the user.

Re "injection molded", such is method of making, carrying no weight in the claims.

The exact plastic used in the construction is considered to have been an obvious design consideration.

Re "wing shaped", such fails to define any specific structure and/or arrangement so as to define over Abbenhouse et al.

Re "at least one rib that extends distally from the longitudinal centerline...", such fails to define over Abbenhouse, and the illustrated ribs are distant from the centerline, and extend towards the outer periphery.

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abbenhouse et al. in view of Sweetland as applied to claim 1 above, and further in view of Bruce.

Bruce teaches a bent shaft.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide bent shaft portions to Abbenhouse as taught by Bruce.

Such a combination would have been desirable at the time the invention was made so as to provide a more ergonomic shape.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Skobel, Presser, Lin, Totani et al. and Murphy et al. show handles.

10. Applicant's arguments filed 4/10/2006 have been fully considered but are deemed moot in view of the new grounds of rejection.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'Ed Swinehart', with a horizontal line extending to the right.

Ed Swinehart  
Primary Examiner  
Art Unit 3617